

FORM PTO-1390 (REV 10-2003)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			CCCCI0116PUSA2
			U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/570831
INTERNATIONAL APPLICATION NO. PCT/US2004/028908	INTERNATIONAL FILING DATE 07 September 2004 (07.09.2004)	PRIORITY DATE CLAIMED 05 September 2003 (05.09.2003)	

TITLE OF INVENTION

METHOD AND SYSTEM FOR OUT-OF-BAND MESSAGING BETWEEN CUSTOMER PREMISES EQUIPMENT AND CABLE
MODEM TERMINATION STATION

APPLICANT(S) FOR DO/EO/US

Kevin N. Taylor et al

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application Under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (UNSIGNED)
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. **This invention is assigned to Comcast Cable Holdings, LLC of 1500 Market Street, 34th Floor, Philadelphia, Pennsylvania 19102-2148. The Applicant requests that the assignee information be published with the application. The Assignment will follow shortly.**
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Postcard

"Express Mail" Mailing Label No.: EV 125 578 185 US

Date of Deposit: 06 March 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Mail Stop PCT, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:


Maria Katirtzidakis

U.S. APPLICATION NO. (If known, fill in 37 CFR 1.51(a)) 10/570831				INTERNATIONAL APPLICATION NO. PCT/US2004/028908		ATTORNEY'S DOCKET NUMBER CCC10116PUSA2	
The following fees have been submitted						Calculations	PTO Use Only
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) \$300						\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200						\$ 200.00	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500						\$ 100.00	
TOTAL OF 21, 22 and 23 =						\$ 600.00	
<div style="border: 1px solid black; padding: 2px;"> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium). (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. </div>							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE			
- 100 =	/ 50 =			X \$250		\$ 00.00	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national phase (37 CFR 1.492(h)).						\$ 00.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA		RATE			
Total claims	28 - 20 =	8		X \$50		\$ 400.00	
Independent claims	4 - 3 =	1		X \$200		\$ 200.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360		\$ 00.00	
TOTAL OF ABOVE CALCULATIONS =						\$1,200.00	
Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.						\$1,200.00	
SUBTOTAL =						\$1,200.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).						+ \$ 00.00	
TOTAL NATIONAL FEE =						\$1,200.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property						+ \$ 00.00	
TOTAL FEES ENCLOSED =						\$1,200.00	
						Amount to be refunded:	\$
						Amount to be charged:	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>1,200.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>02-3978</u> in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-3978</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.							
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.							
SEND ALL CORRESPONDENCE TO:							
CUSTOMER NO. 22045				Signature: Name: <u>John R. Buser</u> Registration No.: <u>51,517</u>			